

EXHIBIT 3

Commonwealth of Massachusetts

County of Middlesex

The Superior Court

Civil Docket **MICV2003-01422**

RE: Eastern Contractors, Inc. v City of Worcester et al

TO: David M Moore, Esquire
Worcester Law Dept (City of)
455 Main Street
Room 301
Worcester, MA 01608

CLERK'S NOTICE

This is to notify you that in the above referenced case the Court's action on **04/07/2003**:

RE: Plaintiff Eastern Contractors, Inc.'s MOTION for Preliminary Injunction

is as follows:

MOTION (P#2) After hearing, denied. See reverse side for reasons. REASONS - It is within the discretion of the Awarding Authority to determine whether a bidder is "responsible" within the meaning of the statute. Here the Awarding Authority retained a private firm, Heery, to serve as construction manager and to evaluate the Bids. Heery's investigation, together with its experience with plaintiff, revealed several Blots on its escutcheon which led the Authority to conclude that it was not "responsible". These included failure complete several recent public school construction contracts on schedule, failure to meet the Bid specs concerning allocation of supervisory personnel, and inaccurate and incomplete responses to inquires. Plaintiff argues that it was not given an opportunity to respond in detail to each of the criticisms. While that may be partially true, the number and seriousness of the problems persuade me, at least at this early stage, not the City likely had a lawful basis for its action, and the plaintiff is unlikely to prevail on the merits. Thus, the preliminary injunction application is denied. (Brady, J., dated 4/4/03). Notices mailed April 07, 2003

Dated at Cambridge, Massachusetts this 7th day of April,
2003.

BY:

Edward J. Sullivan,
Clerk of the Courts

Michael H. Powers
Assistant Clerk

Telephone: 617-494-4010 EXT 4274